DECLARATION  
AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

**NOVEL HUMAN GENES AND PROTEINS ENCODED THEREBY**

and for which a patent application:

☐ is attached hereto and includes amendment(s) filed on (if applicable)

☒ was filed in the United States on June 23, 2000 as Application No. 09/602,833 (for declaration not accompanying application)

with amendment(s) filed on (if applicable)

☐ was filed as PCT international Application No. on and was amended under PCT Article 19 on (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

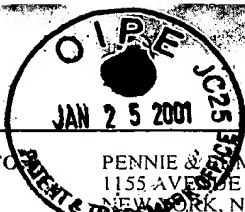
I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE
60/140,627	6/23/99

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), William S. Galliani (Reg. No. 33885), Gary S. Williams (Reg. No. 31066), Mark A. Farley (Reg. No. 33170) and Ann L. Gisolfi (Reg. No. 31956), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.



SEND CORRESPONDENCE TO

PENNIE & EDMONDS LLP  
1155 AVENUE OF THE AMERICAS  
NEW YORK, N.Y. 10036-2711

DIRECT TELEPHONE CALLS TO:  
PENNIE & EDMONDS LLP DOCKETING  
(212) 790-2803

201	FULL NAME OF INVENTOR	LAST NAME Turner	FIRST NAME Alex	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY The Woodlands	STATE OR FOREIGN COUNTRY Texas	COUNTRY OF CITIZENSHIP USA	
	POST OFFICE ADDRESS	STREET 67 Winter Wheat Place	CITY The Woodlands	STATE OR COUNTRY Texas	ZIP CODE 77381
202	FULL NAME OF INVENTOR	LAST NAME Zambrowicz	FIRST NAME Brian	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY The Woodlands	STATE OR FOREIGN COUNTRY TX	COUNTRY OF CITIZENSHIP USA	
	POST OFFICE ADDRESS	STREET 18 Firethorne Place	CITY The Woodlands	STATE OR COUNTRY TX	ZIP CODE 77382
203	FULL NAME OF INVENTOR	LAST NAME Nehls	FIRST NAME Michael	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Stockdorf	STATE OR FOREIGN COUNTRY Germany	COUNTRY OF CITIZENSHIP Germany	
	POST OFFICE ADDRESS	STREET Paul-Keller-Strasse-6	CITY Stockdorf	STATE OR COUNTRY Germany	ZIP CODE 82131
204	FULL NAME OF INVENTOR	LAST NAME Friedrich	FIRST NAME Glenn	MIDDLE NAME A.	
	RESIDENCE & CITIZENSHIP	CITY The Woodlands	STATE OR FOREIGN COUNTRY TX	COUNTRY OF CITIZENSHIP Canada	
	POST OFFICE ADDRESS	STREET 30 Reflection Point	CITY The Woodlands	STATE OR COUNTRY TX	ZIP CODE 77381
205	FULL NAME OF INVENTOR	LAST NAME Sands	FIRST NAME Arthur	MIDDLE NAME T.	
	RESIDENCE & CITIZENSHIP	CITY The Woodlands	STATE OR FOREIGN COUNTRY TX	COUNTRY OF CITIZENSHIP USA	
	POST OFFICE ADDRESS	STREET 163 Bristol Bend Circle	CITY The Woodlands	STATE OR COUNTRY TX	ZIP CODE 77382

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF ALEX TURNER (201) 	SIGNATURE OF BRIAN ZAMBROWICZ (202) 	SIGNATURE OF MICHAEL NEHLS (203)
DATE 1-16-01	DATE 12/6/00	DATE
SIGNATURE OF GLENN A. FRIEDRICH (204) 	SIGNATURE OF ARTHUR T. SANDS (205) 	
DATE 1/17/01	DATE 12/11/00	

**DECLARATION  
AND POWER OF ATTORNEY**

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**NOVEL HUMAN GENES AND PROTEINS ENCODED THEREBY**

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- ☐ is attached hereto and includes amendment(s) filed on (if applicable)  
☒ was filed in the United States on June 23, 2000 as Application No. 09/602,833 (for declaration not accompanying application)  
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JAN 25 2001

PENNIE & EDMONDS LLP DOCKET NO. 8535-036-999

<b>SEND CORRESPONDENCE TO:</b>		PENNIE & EDMONDS LLP 1155 AVENUE OF THE AMERICAS NEW YORK, N.Y. 10036-2711		<b>DIRECT TELEPHONE CALLS TO:</b> PENNIE & EDMONDS LLP DOCKETING (212) 790-2803	
201	FULL NAME OF INVENTOR	LAST NAME Turner	FIRST NAME Alex	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY The Woodlands	STATE OR FOREIGN COUNTRY Texas	COUNTRY OF CITIZENSHIP USA	
	POST OFFICE ADDRESS	STREET 67 Winter Wheat Place	CITY The Woodlands	STATE OR COUNTRY Texas	ZIP CODE 77381
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	RESIDENCE & CITIZENSHIP	CITY The Woodlands	STATE OR FOREIGN COUNTRY TX	COUNTRY OF CITIZENSHIP USA	
	POST OFFICE ADDRESS	STREET 18 Firethorne Place	CITY The Woodlands	STATE OR COUNTRY TX	ZIP CODE 77382
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	RESIDENCE & CITIZENSHIP	CITY Stockdorf	STATE OR FOREIGN COUNTRY Germany	COUNTRY OF CITIZENSHIP Germany	
	POST OFFICE ADDRESS	STREET Paul-Keller-Strasse-6	CITY Stockdorf	STATE OR COUNTRY Germany	ZIP CODE 82131
204	FULL NAME OF INVENTOR	LAST NAME Friedrich	FIRST NAME Glenn	MIDDLE NAME A.	
	RESIDENCE & CITIZENSHIP	CITY The Woodlands	STATE OR FOREIGN COUNTRY TX	COUNTRY OF CITIZENSHIP Canada	
	POST OFFICE ADDRESS	STREET 30 Reflection Point	CITY The Woodlands	STATE OR COUNTRY TX	ZIP CODE 77381
205	FULL NAME OF INVENTOR	LAST NAME Sands	FIRST NAME Arthur	MIDDLE NAME T.	
	RESIDENCE & CITIZENSHIP	CITY The Woodlands	STATE OR FOREIGN COUNTRY TX	COUNTRY OF CITIZENSHIP USA	
	POST OFFICE ADDRESS	STREET 163 Bristol Bend Circle	CITY The Woodlands	STATE OR COUNTRY TX	ZIP CODE 77382

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF ALEX TURNER (201)	SIGNATURE OF BRIAN ZAMBROWICZ (202)	SIGNATURE OF MICHAEL NEHLS (203)
DATE	DATE V 3785	DATE 11/22/00
SIGNATURE OF GLENN A. FRIEDRICH (204)	SIGNATURE OF ARTHUR T. SANDS (205)	
DATE	DATE	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: ☒ Application of: Turner *et al.*  
☐ Patent of:



☒ Application No.: 09/602,833  
☐ Patent No.:

Group Art Unit: 1645

☒ Filed: June 23, 2000  
☐ Issued:

Examiner: To be assigned

For: NOVEL HUMAN GENES AND  
PROTEINS ENCODED THEREBY

Attorney Docket No.: 8535-036-999

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
[37 CFR 1.9(f) and 1.27(c)] - Small Business Concern

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act in behalf of the concern identified below:

Name of organization Lexicon Genetics Incorporated

Address of organization 4000 Research Forest Drive

The Woodlands, Texas 77381

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern and/or there is an obligation under contract or law by the inventor(s) to convey rights to the small business concern with regard to the invention entitled NOVEL HUMAN GENES AND PROTEINS ENCODED THEREBY by inventor(s) Alexander C. Turner, Jr., Brian Zambrowicz, Michael Nehls, Glenn A. Friedrich and Arthur T. Sands described in

- ☐ the specification filed herewith
- ☒ Application Serial No. 09/602,833 filed June 23, 2000
- ☐ patent no. issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention

are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_


☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to: PENNIE & EDMONDS LLP  
1667 K Street, N.W.  
Washington, D.C. 20006

Direct Telephone calls to:  
PENNIE & EDMONDS LLP  
(202) 496-4444

Name of person signing Dr. Lance K. Ishimoto, Esq.  
Title of person other than owner Vice President Intellectual Property  
Address of person signing Lexicon Genetics Incorporated  
4000 Research Forest Drive, The Woodlands, TX 77381  
Signature  Date 1/22/01

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.  
(37 CFR 1.27)

URNr.

V 3785/2000

Ass

Ich beglaube die Echtheit der vor mir vollzogenen Unterschrift von

Herrn **Dr. Michael N e h l s**, geboren am 20.10.1962,  
wohnhaft Paul-Keller-Str. 6, 82131 Stockdorf,  
persönlich bekannt.

Nach Angabe war der beurkundende Notar, sein Sozius bzw. Notarvertreter  
außerhalb seiner Amtstätigkeit nicht für die Beteiligten tätig.

München, den 22. November 2000

Thorsten Langrau, Notarvertreter



# POSTILLE

(Conventiöde La Haye du 5 octobre 1961)

1. Land: Bundesrepublik Deutschland

Diese öffentliche Urkunde

2. ist unterschrieben von Torsten Langnau

- Notarassessor -

3. in seiner Eigenschaft als amtlich bestellter Vertreter  
des Notars Dr. Oliver Vossius in München

4. sie ist versehen mit den ~~Stempel~~/Siegel des ~~den~~  
Notars Dr. Oliver Vossius in München

Bestätigt

23. November 2000

5. in München 6. am die Präsidentin des Landgerichtes München I

7. durch 910 a

8. unter Nr. \_\_\_\_\_

9. ~~xxxxxx~~ Siegel

10. Unterschrift



in Vertretung

*Peter Seik*  
Peter Seik  
Vizepräsident